

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Joseph F. ¹ ,)	
)	
Plaintiff,)	Case No.: 1:17-cv-057
)	
vs.)	Judge Michael R. Barrett
)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	
)	

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on April 5, 2024. (Doc. 26). Proper notice was given to the parties under 28 U.S.C. 636(b)(1)(C) and Fed. R. Civ. P. 72(b), including notice that they may forfeit rights on appeal if they failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *see Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019). No objections to the R&R (Doc. 26) were filed.

The R&R (Doc. 26) of the Magistrate Judge is hereby **ACCEPTED** and **ADOPTED**. Consistent with her recommendation, the motion for an award of an attorney fee under the Social Security Act (Doc. 22) is **GRANTED IN PART**. Pursuant to 42 U.S.C. § 406(b)(1)(A), **the Court hereby awards Attorney Douglas A. Garner a fee of \$2,462.50**. The remaining funds that the Commissioner has withheld from Plaintiff’s past-due benefits in anticipation of a § 406(b) award should be released to Plaintiff.

IT IS SO ORDERED.

/s/ Michael R. Barrett
JUDGE MICHAEL R. BARRETT

¹ See General Order 22-01.